

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**JOSEPH L. WALES,**

**Plaintiff,**

**v.**

**CAPTAIN JUSTIN HOWELL,**

**Defendant.**

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) **No. 3:18-cv-00403**  
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**ORDER**

On April 19, 2020, the Magistrate Judge issued a Report and Recommendation (“R&R”) (Doc. No. 41) recommending that the Court grant Defendant Justin Howell’s Motion for Summary Judgment (Doc. No. 32). Plaintiff Joseph Wales, proceeding *pro se*, did not file a response to Defendant’s motion or Statement of Undisputed Material Facts (Doc. No. 37), despite the Magistrate Judge’s multiple reminders that Plaintiff’s deadline to respond was April 10, 2020. (See Doc. Nos. 38; 40 at 1 n.1.) Nor has Plaintiff filed any timely objections to the R&R, despite the R&R’s specific warnings regarding waiver. (See Doc. No. 41 at 11.)

The Court has thoroughly reviewed the R&R and agrees with the Magistrate Judge’s analysis. Specifically, the Court agrees that Plaintiff’s § 1983 excessive force claim should be dismissed because the undisputed facts<sup>1</sup> show that “[t]he force used [by Defendant] was reasonable and measured given the circumstances that existed and caused little or no injury to Plaintiff.” (See id. at 9.) Having dismissed Plaintiff’s only federal claim against Defendant, the Court will not

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<sup>1</sup> Because Plaintiff did not timely respond to Defendant’s statement of undisputed facts as required by Local Rule 56.01, those facts are deemed undisputed for purposes of summary judgment. See L.R. 56.01(f) (“If a timely response to a moving party’s statement of material facts . . . is not filed within [21 days] . . . , the asserted facts shall be deemed undisputed for purposes of summary judgment.”).

retain jurisdiction over the remaining state law claims against Defendant because, pursuant to 28 U.S.C. § 1367(c)(3), there is a “strong presumption in favor of declining to exercise jurisdiction over supplemental state-law claims after dismissing federal anchor claims[.]” Martinez v. City of Cleveland, 700 F. App’x 521, 523 (6th Cir. 2017) (internal quotation marks omitted).

Accordingly, the Magistrate Judge’s R&R (Doc. No. 41) is **APPROVED AND ADOPTED**, and Defendant’s Motion for Summary Judgment (Doc. No. 32) is **GRANTED**.

This is a final order. The Clerk shall enter judgment in accordance with Federal Rule of Civil Procedure 58 and close the case.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE